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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

REVIEW PETITION LODGING NO.119 OF 2006
IN
WRIT PETITION NO.982 OF 2004

Cewat India Processors ..Petitioners
Vs.
Municipal Corporation
of Greater Bombay ..Respondents

Mr. Rui Rodrigues with Ms. Betty D'Souza for the Petitioners
Mrs. P.A. Purandhare, for the respondents.

CORAM : F.I. REBELLO &
MRS. V.K.TAHILRAMANI,JJ.
DATED : 8TH MARCH, 2007.

P.C.

. Heard Counsel for the parties. It is contended and accepted that water was disconnected from 16th March, 2001 to 15th January, 2003 on account of stoppage of the main line by the Municipal Corporation for carrying out works. It was, therefore, not a disconnection for failure by the review applicant to pay any municipal dues. Learned Counsel for the Municipal Corporation further submits that in terms of the Rules Sewerage tax is payable as in the instant case the meter was not disconnected.

2. The fact remains that the disconnection was not on account of an act of the petitioners. It was an act on the part of the respondents. Factually no water was supplied to the Review Applicants between the period from 16th March, 2001 to 15th January, 2003. The Rule will have to be construed accordingly. These facts disclose an error apparent on the face of the record and consequently the

order is liable to be reviewed. In the light of that the following order:-

. The order dated 19th June, 2006 to the extent ithwas held that the petitioners are liable to pay sewerage and water tax is set aside. The respondents are directed to accordingly amend the bill in the manner what we have stated in the earlier part of this order. Review Petition to that extent allowed. There shall be no order as to costs.

(**F.I.REBELLO**, J)

(**MRS. V.K.TAHILRAMANI,J**.)